

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0164-25 **Applicant:** Spalding Storage Containers Limited
Proposal: Change of use of storage and distribution site to hand car wash (Sui Generis)
Location: Adj The Old Gatehouse 117 Wardentree Lane Pinchbeck
Terminal Date: 9th May 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development
- 04 Approach to Flood Risk
- 07 Improving South East Lincolnshire's Employment Land Portfolio
- 28 The Natural Environment
- 33 Delivering a More Sustainable Transport Network
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

- Section 6 - Building a strong, competitive economy
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

Representations:

| | Object | Support | No Obj. | Comments |
|-------------------------|--------|---------|---------|----------|
| PARISH COUNCIL | 0 | 0 | 1 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |

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|------------------------|---|---|---|---|
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |
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CASE OFFICER ASSESSMENT

Description of Proposal

This is a full application for the change of use of the land adjacent to the Old Gatehouse, 117 Wardentree Lane, to a hand car wash, including the erection of associated structures. The site measures approximately 885sqm.

It is proposed that a one way system would be installed, with vehicles driving into the site via the eastern entrance and then parking in front of the canopy (which would measure 10 metres width, by 5 metres depth, with a maximum height of 4 metres) for washing. Vehicles would then be moved round to the west for drying and payment before leaving the site. This would result in queuing space for eight vehicles, washing space for two vehicles at any time, and drying space for at least four vehicles.

An office structure, seemingly consisting of a repurposed storage container, would be placed along the western boundary. The office would measure 2438mm, by 5768mm, with a height of 2591mm. The office would be used to store washing equipment and for staff amenities. This container would be adjacent to the three staff parking spaces.

A 20,000L water storage tank is proposed to be installed under the site. This is in addition to other drainage provisions such as silt traps, which are to be installed under the washing station.

The hours of operation proposed are 7:30 to 18:30, Monday to Sunday, including bank holidays.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. It is outside, but is surrounded by, the Wardentree Lane employment area outlined within Policy 7 of the SELLP. The site displays a clear industrial character, consistent with the wider area.

The site itself comprises a small parcel of land to the north east of a storage container business. The site appears has previously functioned as the entrance to the wider plot of land. The site is adjacent to and displays a strong relationship to "The Old Gatehouse", which previously has been classified as a residential property.

Relevant History

H14-0873-15 - Full. Proposed Change of use to storage and distribution (B8) including the erection of 2.4m high steel palisade security fence. Approved 04/01/16.

H14-0771-23 - Full. Proposed change of use to storage and distribution (B8) including the erection of a 2.4m steel palisade fence. Refused 15/12/23.

H14-0717-24 - Full. Change of Use from Storage & Distribution to Hand Car Wash (Sui Generis) including Welfare Building & Canopy. Refused 16/12/24.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environmental Protection

"No comments regarding land contamination."

Welland and Deepings Internal Drainage Board

"Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application."

Pinchbeck Parish Council

"No comment."

Anglian Water

Outline informative conditions that would be required in the event of an approval. Also outline that a separate agreement between the applicant and Anglian Water may be required.

Highway and Lead Local Flood Authority

Initial comments, dated 26th March 2025:

Additional information required: "What will the front boundary treatment be between the entrance to the site and the exit? What signage is proposed to ensure that visitors to the site flow through the site as intended? Visibility should be demonstrated for new access points and it shall be in accordance with Manual for Streets. A note should be added to the proposed site plan to say accesses will be constructed to Lincolnshire County Council Specification."

Further comments, dated 4th April 2025:

"Change of use of storage and distribution site to hand car wash (Sui Generis). This is a resubmission in which we previously had concerns with the available space on site for the waiting of vehicles which would lead to indiscriminate waiting within the public highway. The amended details provide a betterment to those previously submitted. The site area has been extended to provide more space for waiting and I am happy with the justification provided from TRICS comparison sites. The peak hours for the development will be between 1400- 1500 and the spaces available on site outweigh the maximum vehicles on site at any one time. Many movements associated with the proposal will be pass by movements or transferable movements as they are increasing the level of choice of the proposal type. A condition is required to formally stop up the existing access and two new access points will be required. The approved layout details the in/out arrangement proposed and is inclusive of signage clearly showing the entrance/exit and one-way system and this should form an approved document within the decision notice. The proposal will not have an adverse impact on the public highway.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

In the event that permission is to be given, the following planning conditions should be attached:

Highway Condition 12

Within seven days of the new access being brought into use, the existing access onto Wardentree Lane shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority. Reason: To reduce to a minimum, the number of individual access points to the site, in the interests of road safety"

Also requests two informative conditions.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

As the site is within Spalding, development within this location is considered appropriate. The proposal would support the settlement's role as a sub-regional centre and make a positive contribution to local employment.

Where a proposal would involve the creation a new employment use, Policy 1 is supported by Policy 7. As the site is outside of the Wardentree Lane Employment Area outlined in Policy 7, the restriction based upon uses with employment areas should not be applied here. As such, there is no need for additional justification for none "B" uses on the site. In any event, the use would be largely consistent with the wider character of the area, and comparable uses are currently present in the estate.

For the creation of new employment sites, outside of the defined employment areas, Policy 7 states "New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land". The proposal adheres to this point, and as such, is consistent with the provisions of Policy 7.

Therefore, the proposal is considered to be in accordance with Policy 1 and 7 of the SELLP. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed use of the site is broadly in keeping with the industrial character of the area. A car wash is present near to Morrisons already, naturalising the proposal to a certain extent. The proposed buildings are utilitarian in nature and are not aesthetically pleasing. However, as an industrial area, the weight attributed to visual character is somewhat reduced. Storage containers are already established in the immediate area via the adjacent self-store building. As such, the proposal would not harm the character of the area.

The scale of the site is considered to be proportionate to the proposed use, allowing the proper function of the business to occur. While the lack of waiting area for customers and the lack of space to store vehicles for a longer period of time is impractical, it would not result in the proposal being unable to fulfil its intended function. Adequate space has been maintained to allow vehicles to wait and move through the site, allowing for the proper function of the use.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. These policies are supported by Policy 30 with respect to pollution, including noise pollution.

The site is immediately adjacent "The Old Gatehouse" residential dwelling; however, it is unclear if the dwelling is currently occupied. In any event, the H14-0873-15 tied the house to the wider site, in the attempt to reduce amenity impacts. The opening hours of the proposed business; however, would create some disturbance as it is likely a degree of set up would be required prior to opening.

In any event, the industrial nature of the area means that existing conditions are already relatively poor with respect to residential amenity and noise pollution. Within the Design and Access statement, steps to minimise noise (such as noise dampening on the equipment) are proposed, which appear sufficient for the intensity and nature of the use. As such, the proposal is unlikely to be so detrimental as to significantly exacerbate existing conditions, particularly when the current condition of the dwellinghouse is considered.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards. For a Sui Generis use or carwash, no specific standards given within Appendix 6, with a case by case approach being taken instead. The three parking spaces provided here is considered to be acceptable, given the information provided within the Transport Statement and Design and Access Statement, both of which outline that no more than three vehicles are expected to be used for staff access to the site.

Within the submitted Transport Statement and Design and Access Statement an estimation of vehicle movements is provided. The submissions states "The projections indicate that the development is expected to generate up to 3 two-way vehicle movements during the typical AM network peak hour (08:00- 09:00) and 5 two-way vehicle movements during the PM network peak hour (17:00- 18:00), with a total of 91 two-way movements daily 07:00-19:00). The development peak hour (14:00- 15:00) resulted in 6 arrivals and 7 departures (13 two-way trips)." It should be noted that the 91 figure relates to vehicles coming and going from the site, meaning that actual 45/46 vehicles are estimated to use the site in any given day. Similarly, the peak hour estimates put only 7 vehicles on site at any one time.

Given the number of movements predicted by the Transport Statement, and the level of queuing space provided, it is considered that the site is of sufficient size to accommodate the proposed intensity of use. Adequate space has been provided to ensure queuing vehicles would not interfere with road traffic. The level of intensity is not so severe as to create excessive additional traffic. As such, and in light of the comments by the Highway Authority, it is not considered that the proposal would have a severe unacceptable impact upon highway safety, in line with Paragraph 116 of the NPPF.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for most, with a hazard depth of up to 1 metre.

Within Annex 3 of the NPP, the site is classified as "less vulnerable". The proposed use is somewhat flexible due to the temporary nature of the construction process and the actual usage of the site. Vehicles could be removed swiftly well before a flood event occurs. As such, the use is considered to be appropriate despite the onsite flood risk.

The proposed development would not exacerbate flood risk on other sites, as no additional sealed surfaces would be created. As such, the proposal is considered to be in accordance with Section 14 in this regard.

Turning to on site drainage, a drainage strategy has been submitted showing the bulk of drainage features will be located along the eastern boundary. Considering this is the location for the washing stations, this is appropriate. The scale of measures proposed appears appropriate given the scale of the use of the site and existing conditions.

Anglian Water have commented on the proposal's drainage. Discharge of trade effluent into Anglian Water assets would require their consent; however, this sits outside of the planning regime, and as such, the weight attributed to this point is limited.

Anglian Water have also recommended the imposition of a condition which would require confirmation from Anglian Water that there is sufficient headroom at the water recycling centre to accommodate the foul flows from the development site. However, it is not considered that the requested condition passes the requirements outlined in Paragraph 57, and as such, the condition has not been imposed here.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

As the proposal would be located entirely upon a sealed surface, the development is considered to conform to the "de minimis" exemption outlined in Section 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. As such, there is no requirement to apply the standard net gain condition.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a

duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 28, 30, 33 and 36 of the SELLP, as well as Sections 6, 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.